

Anthony Narbona
(Name)Dorm 66-064P
(Address)5150 OBynes Ferry Rd
(City, State, Zip)Jamestown, CA 95327H-28385
(CDC Inmate No.)

2354	1983
FILING FEE PAID	
Yes	No
HYP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

FILED

2008 APR 11 PM 4:06

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY RM DEPUTY

United States District Court Southern District of California

Anthony Narbona
(Enter full name of plaintiff in this action.)

Plaintiff,

v.

Deputy Honig,
John Does 1-20
Et. Al.

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 0663 JM LSP

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Anthony Narbona, who presently resides at Dorm 66-064P,

(print Plaintiff's name)

5150 OBynes Ferry Rd, Jamestown CA 95327, were violated by the actions of the below named individuals. The actions were directed against Plaintiff at San

Diego County Jail Central on (dates) 9-26-07-9-27-07 and 10-2007

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant Deputy Hanig resides in San Diego
 (name) (County of residence)
 and is employed as a Deputy Sheriff. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Deliberate indifferent to Plaintiffs
Serious Medical Need

Defendant Count Deputy's John Does 1-20 resides in San Diego
 (name) (County of residence)
 and is employed as a Sheriff SDCJ. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Deliberately indifferent to
Plaintiffs Serious Medical Need/Delay
in Medical treatment of Serious medical Need.

Defendant Floor Officers John Does 1-20 resides in San Diego
 (name) (County of residence)
 and is employed as a Sheriff SDCJ. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Deliberate indifferent to Plaintiffs
Serious medical Need/Delay in treatment for Serious
medical need

Defendant Breakfast Deputy John Does 1-20 resides in San Diego
 (name) (County of residence)
 and is employed as a Deputy Sheriff SDCJ. This defendant is sued in
 (defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: Deliberate Indifferent to Plaintiffs Serious
Medical Need/Delay in treatment to Serious medical
Need.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Right to Medical
(E.g., right to medical care, access to courts,
Care for Serious Medical Need
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

I was arrested on or about 9-26-07, I informed the
arresting officer of my Serious Medical Condition and
all staff during my Booking Process. Precisely, that
I have a Current Serious Medical Problem "Congestive
heart failure," and was just released from the hospital
a week prior, and also had a clot in my leg, and that
I was not well at all.

During the booking process after I and a group of
inmates were changed into Blues, on 9-26-07-9-27-07,
I was placed in a holding tank with other inmates
while waiting for a bed. I was left in that tank
over night. I began to have trouble breathing +
Shortness of breath, and Chest Pains. I remember
the lights were very low, a Deputy came by,
opened our door, looked directly at me. I
told him "I am having trouble breathing" and I
was clutching the left side of my chest, I also
told him I am having chest pains. He looked
around at everyone as if to be counting inmates,
then looked back at me, said nothing and left
closing the door! This is Deputy John Doe #1
because I could not see his name to identify
him by name. But he looked of Latino or Mexican
descent. This Deputy clearly heard and saw me!

Count 2: The following civil right has been violated: Right to Medical
(E.g., right to medical care, access to courts,
Care/Delay in treatment of Serious Medical Need
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

A few hours after what occurred in Cause of action # 1 - Pg 3 of this Complaint, the same thing occurred. A Deputy came opened the door to the holding tank. I told him I am having trouble breathing while clutching my chest and I told him I am having chest pains also. This Deputy may or may not be the same one that Counted us in the tank as the Deputy John Doe #1 as stated in Cause of action # 1 - Pg 3.

This Deputy John Doe #2 also did the same as John Doe #1. He looked directly at me, looked around closed the door and walked away. I was sitting on the floor. The inmates that were awake shook their heads in disbelief and stated "They don't care!"

I sat there wondering if I was going to die, totally exhausted and waited.

That Deputy also clearly saw me and heard me but as the one before, just ignored me.

Count 3: The following civil right has been violated: _____

Right to medical Care/Delay in treatment serious medical need.
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

Later that same morning, I believe to be 9-27-07, another Deputy came, breakfast was brought. I told him that I was having trouble breathing while clutching my chest and also told him that I was having chest pains. He responded with a reply that we were going to be taken up stairs in a few and I could tell my floor officers. He then left. This Deputy's name I could not see, he was a white man in his 40's. This Deputy John Doe #3.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Right to Medical
(E.g., right to medical care, access to courts,

Care for Serious Medical Need.
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

Later the morning after breakfast, Deputy's
Came to the Holding tank and escorted us upstairs
on the elevator. I was sent to the 7th Flr. A Pod.
When I Arrived there extremely exhausted, I
told my floor officers that I was having trouble
breathing and that I had Chest Pains. I
told them I was in a holding tank all night long
and tried to tell deputies that came by or
passed by, but was ignored. The time of night it
was, I believe only one passed by except for the
ones that opened the door to Count.

My floor deputies told me to go to Cell 19, and
that I would be seen or seeing a Doctor later.
Totally exhausted, I fell out, when I awake
I called on the little speaker box and told
the floor deputies I was still having trouble
breathing and have Chest pains. I told them that
I was recently in the hospital for Congestive
heart failure. I was finally called down, finally
taken to the 3rd floor medical and Had my blood
pressure taken and a few questions asked. Then
Suddenly the "Little Italys" San Diego Fire Dept.
and Rescue Ambulance was there and I was
rushed to U.S.D. Emergency Room, where I

1 was treated and Diagnosed with a Blood Clot
2 in my Lung and further symptoms of Progressing
3 Congestive Heart Failure (Pulmonary Embolism)
4 (C.H.F.). I was kept in the hospital for 5 days
5 due to the severity of my Condition.
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SB

(E.g., right to medical care, access to courts,

Right to Medical Care

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

On or about October 3, 2007, I was taken early morning to South Bay Detention Facility (SBDF) for my Parole revocation assesment offer hearing. I called Deputy Honig to tell him that I had a Serious medical Condition and that I had not recieved my heart meds Dose for that morning. I told him over and over. He Just kept telling me the nurse will be by, and Did nothing else.

Suddenly a bus came, I was cuffed up with the rest of the Prisoners/inmates and loaded on the bus and taken to South Bay Detention Facility without getting my meds.

At South Bay Detention Facility, after Complaining Several times to Deputies ~~##~~ I was taken to a Nurse. I was given Some of my Medication and told by the Nurse that they at South Bay they did not Stock the rest of the Medication I was prescribed. So I was not given all my meds Dose.

When I returned to San Diego Central Jail that afternoon-evening, I told deputies and the Nurse that I was not given all my meds for that morning. I was told by the nurse, "Don't worry about that." The very Next Morning I was on my way to Court Not feeling well to say the least. I was placed in a holding tank, and began to have chest pains and Shortness of breath, when I Coughed I spat up:

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

1 a considerable amount of blood. I got really
2 scared and called a Deputy. I spat again into a
3 wad of toilet paper and showed the Deputy the
4 bloody wad of paper - He immediately took me to
5 the 3rd floor. (I did not get this Deputy's Name.
6 it was not Honig!) medical and again I was
7 ordered to be taken to the emergency Room at
8 USSD. for emergency treatment.

9 There a Doctor by the Name of Dr. K. Buford
10 treated/attended me. He Diagnosed me with
11 Congestive Heart Failure that was worsening and
12 he specifically told me Not to miss any Doses
13 of my medication, and specifically told me
14 not to let them "The Sheriff Department or whos
15 ever care I am under," not give me my medication
16 because missing one Dose could very well
17 cause me severe damage or heart attack.

involved in this case? ☒ Yes ☐ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs:

Anthony Narbana

Defendants:

Robert Hernandez, Dr. G. Smith, Dr. Mintz

(b) Name of the court and docket number:

United States District Court
Southern District of California

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?]

Dismissed

(d) Issues raised:

Delay in medical attention / Cruel
and UNUSUAL Punishment / Deliberate Indifference
to Serious Medical Need.

(e) Approximate date case was filed:

May 2003

(f) Approximate date of disposition:

June 2005

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.]? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Relief was sought thru Claim Division, San
Diego County Office See Attached Copy of
Claim and letters from Claims Division.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): Harassing Plaintiff

2. Damages in the sum of \$ 250,000.00

3. Punitive damages in the sum of \$ 1,000,000.00

4. Other: _____

F. Demand for Jury Trial

Plaintiff demands a trial by ☐ Jury ☒ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

3-24-08
Date

Anthony Carlon
Signature of Plaintiff

Received by _____ via
 U.S. Mail ☐
 Inter-Office Mail ☐
 Over the Counter ☐

File No.:

TO THE HONORABLE BOARD OF SUPERVISORS, The County of San Diego, California

1. Name of Claimant: Narbona Anthony Du-Jesus
Last Name First Name Middle Name

A. Address of Claimant: P.O. Box 799004 San Diego, CA 92179
Street Address City Zip

B. Home Phone: () N/A Work Phone: () N/A C. Birthdate: 6-8-63

D. Social Security No.: 570-11-4261 E. Driver's License No.: C-2626166

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:

Anthony Narbone, H-28385, Po. Box 799004, 4-18-3174, San Diego, CA 92179

3. Occurrence or event from which the claim arises:

A. Date:

B. Time: Night Thru morning

C. Place (exact and specific location): San Diego Central Jail - During Processing
and when I Arrived at 7 Flr. A-Pod. Also Days After All J.O.C.J.

D. Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary): Denial/Delay of immediate medical attention, when I

Complained of Chest Pain and Shortness "Trouble Breathing" of Breath
To Deputies, Between being booked in after we changed into
boots, Before we were taken upstairs to 7 Flr. I was placed in a
Continued Sec'D"

E. State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County

department and employee(s) causing the damage or injury: It was the Deputies at San Diego Central County Jail. Delay of Medical Attention for a Serious Medical Problem. Deputy Honig and The Nurse responsible for passing out Medication on or about (10- -07) when I was taken to S. Bay Off. for my Parole Violation hearing- Continued
(over)

Claimant's Signature

[Signature]

Signed this 8 day of January, 2008 at S.C. James town state Prison

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (Penal Code § 72; Insurance Code § 556.1)

9. Any additional information that might be helpful in considering this claim: See Attached

Pages

8. Names and addresses of all witnesses, hospitals, doctors, etc.:
U.S.A. Doctor Kevin Buford M.D.

E. Damaged vehicle (if applicable): Make: _____ Model: _____ Year: _____
 Vehicle Identification No. (VIN): _____ Mileage: _____
 Insurance Company: _____ Policy No.: _____

D. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):

7. Damages claimed:
 A. Amount claimed as of this date: \$ 250,000.00
 B. Estimated amount of future costs: \$ 7
 C. Total amount claimed: \$ 250,000.00

6. Name and address of the owner of any damaged property: N/A

5. Name and address of any other person injured: None/A

4. Give a description of the injury, property damage or loss, so far as is known at the time of the claim. If there were no injuries, state "no injuries":
Blood Clot to Lung, Congestive heart failure, Acute Pain

Holding tank with several other inmates waiting for a bed. We were left there over night.

I began to have trouble breathing - shortness of breath, and chest pains. The lights were very low, and I remember a Deputy came by, opened our door, looked directly at me. I told him I am having trouble breathing and I was clutching my left side of my chest, also I told him I am having chest pains. He looked around at everyone as if to be counting inmates, looked back at me, said nothing and left after closing the door.

A period of time later, the same thing occurred, a Deputy came opened the door, looked at me, I conveyed the same message, that I was having trouble breathing and clutching my chest, told him I am also having chest pains! This Deputy may or may not have been the same one that had come earlier. This one also did the same thing. The other prisoners that were awake couldn't believe it, but stated "They don't care."

Early morning we were brought breakfast by an other Deputy, while Breakfast was being passed out, I told that Deputy that I was having trouble breathing and had chest pains, also. He told me we were going to be taken upstairs in a few, and I could tell my "Floor Officer." He then left. Later a Deputy's came and we were escorted to an elevator, I was sent to 7F/A Pod. When I got there

2) extremely exhausted, I told my floor officer that I was having trouble breathing and that I had chest pains, I told them I was in a holding tank all night and tried to tell the deputies that came by or even passed by, but was ignored! My floor deputies told me to go to Cell 19, and that I would be seeing a Doctor later.

~~Later~~ Totally exhausted, I fell out, when I awoke I called on the little speaker box and told the floor deputies that I was having trouble breathing and felt chest pains. I told him I was recently in the hospital for Congestive heart failure. I was called down, finally taken to the 3rd floor medical and I had my Blood Pressure taken, and a few questions asked, then suddenly the "Little Italy" San Diego Fire Department and Rescue Ambulance was there and I was rushed to U.S.D. Emergency Room where I was treated and diagnosed with Blood Clot in my lung and Congestive heart failure - Pulmonary Thrombosis / C.H.F. I was kept in the hospital for about 5 days. I was returned to S.D.C.T. San Diego Central Jail, and a few days later, I was taken early morning to S.B.D.F. for my Parole Violation hearing. I called a deputy to tell him that I had not received my heart meds. This Deputy's

3)

Continued Section V

Name tag I was able to see and remember, it was specifically "Deputy Honig." I told him over and over I have very important heart meds and I had not received them yet. He told me the Nurse will be coming by and I would get them.

Suddenly the bus came, I was loaded up in cuffs with the rest of the prisoners and taken to South Bay Detention facility without getting my meds.

At South Bay, after complaining several times to Deputies, I was taken to a Nurse. I was given part of my medication, and told they at South Bay did not stock the rest of the medication I was prescribed! So I was not given all my meds.

When I returned to San Diego Central Jail that afternoon - evening - I told the deputies & Nurse that I was not given all my medication for that morning. I was told by the Nurse, not to worry about that.

The next morning I was on my way to Court, not feeling well, I was placed in a holding tank, and began to have chest pains & shortness of breath, I coughed and spat up a considerable amount of blood.

I got really scared, called a Deputy, I spat into a napkin/toilet paper wad, showed the Deputy the bloody wad - He immediately took me to

3rd Floor Medical and again I was taken to U.C.S.D. for treatment. There I spoke to a Doctor Kevin Buford, He diagnosed me with ~~CHF~~ Congestive Heart Failure that was worsening and He specifically

7) Told me not to miss any Doses of my medication, and specifically told ^{me} Not to let Them The Sheriff Deptment or who ever's care I was under, not give me my medication, because Missing one Dose could very well Cause Severe Damage or heart attack!

The names of the San Diego Central Jail Detectors That I am Complaining about - John Doe's 1-20, have not been properly Identified yet, The ones on 7 Flr A, were there the morning I was sent to 7 Flr. A - 19. ON Sept. 27, 2007, or about!

Deputy Honig, and the Nurse passing out medication for 7 Flr. A "section on or about 10-?-07, when I was taken to South Bay Detention facility for parole violation hearing, Denied me medication Prescribed By a Doctor for a Serious Medical Condition, that I believe landed me in the hospital.

The John Doe's 1-20, Denied/Delay in Medical attention for $1\frac{1}{2}$ days for a Serious Medical Condition, Specifically, Congestive heart failure, chest pain with trouble breathing, That I was diagnosed to have Pulmonary thrombosis "Clot in lung," and Congestive Heart failure by UCSD medical Doctors, that kept me for 5 days.



County of San Diego

OFFICE OF COUNTY COUNSEL

CLAIMS AND INVESTIGATION DIVISION

1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CALIFORNIA 92101-2469

January 15, 2008

Anthony Narbona
#H-28385 Dorm 66-06 UP
5150 O'Byrnes Ferry Road
Jamestown, CA 95327

Re: Claimant: Anthony Narbona
County File Number: 080014
Dates of Incident: 9/26/07-9/27/07

Dear Mr. Narbona:

This letter acknowledges your claim filed against the County of San Diego. Please be advised your claim is not considered an administrative remedy under 42 U.S.C. section 1997e(a), which requires exhaustion of administrative remedies before certain actions may be brought by prisoners with respect to prison conditions.

Upon completion of the investigation, you will be notified of the Liability Claims Section's determination of liability against the County of San Diego.

Sincerely,

Office of County Counsel
Claims and Investigation Division
(619) 531-4899



County of San Diego

OFFICE OF COUNTY COUNSEL
CLAIMS AND INVESTIGATION DIVISION
1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CALIFORNIA 92101-2469

March 3, 2008

Anthony Narbona
#H-28385 Dorm 66-06 UP
5150 O'Byrnes Ferry Road
Jamestown, CA 95327

Re: Claimant: Anthony Narbona
County File Number: 080014
Date of Incident: September 26, 2007

SUBJECT: NOTICE OF REJECTION OF CLAIM

The subject claim has been received by the Claims Division for investigation and a determination of liability, if any.

The liability of a governmental entity and its employees to a person who claims damages is strictly limited by the laws within the State of California. Your claim has been reviewed within the terms and restrictions of those laws. We regret that investigation has obliged us to conclude that the claim must be rejected. Therefore, the claim is hereby rejected this date.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on those causes of action recognized under the California Tort Claims Act. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

Office of County Counsel
Claims and Investigation Division
(619) 531-4899

Original

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Anthony Narbona

v.

Case Number:

Deputy Honig, John

PROOF OF SERVICE

Does 1-20 Et. Al. 1

I hereby certify that on March 24, 2008, I served a copy of the attached Complaint Southern District Cal. by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the United States Mail at:

Tuolumne County, Jamestown SCC state Prison

(List Name and Address of Each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

Anthony Narbona
Type or print name

[Signature]
Signature of person completing service

Dorm 66-06 UP
5150 O'Byrnes Ferry RD.
Jamestown, CA 95327

Address

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the rules and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States, is to be used by the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Anthony Narbona

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Tuolumne
(EXCEPT IN U.S. PLAINTIFF CASES)

CIVIL COVER SHEET

2008 APR 11 PM 4:06

FILING FEE PAID
Yes ☒ No ☒

DEFENDANT
Yes ☒ No ☒

IFP MOTION FILED
Yes ☒ No ☒

COPIES SENT TO COURT
Yes ☒ No ☒

PROSE

Honig, et al. CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY Ran DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Anthony Narbona, H-28385
Sierra Conservation Center
5150 O'Byrnes Ferry Road
Jamestown, CA 95327

ATTORNEYS (IF KNOWN)

'08 CV 0663 JM LSP

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PT DEF
- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 1 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act 29 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE April 11, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. Muelly